IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

Writ Petition NO. 4567 of 2005

MUTAVALI GULAM MOHIUDDIN ... Petitioner
Vs.
BRIHANMUMBAI MAHANAGAR PALIKA... Respondent

S. G. Shukla i/b. M/s G.H. Shukla And Co. for ... Petitioner
A. J. Bhor for Respondent

CORAM: **F. I. REBELLO & ROSHAN DALVI JJ.**
Date: 24/11/2005

P.C.

It is the case of the Petitioner that he was residing with the person who was an employee of the Respondent Corporation and that he was allowed to continue in the premises by the Corporation. It is further his case that after the death of the deceased employee he continued to reside therein and the Corporation has received compensation for the occupation.

By the present petition the Petitioner seeks a relief that the Respondent should not act on the notice dated 23.2.2004. The Petition was filed on 11th July 2005.

The entire case of the Petitioner is based on the circular dated 25.5.1992 issued by the Municipal Corporation of Greater Bombay, Dy. H.E. (Maintenance) department in which it is set out that the improvement committee of the Respondents vide resolution no. 208 dated 10th August 1989 has accorded approval to the policy decision to convert the ground floor premises at Malvani and four other places subject to certain terms and conditions as set out in the said circular. The circular sets out that the Petitioner is an unauthorised occupant. It further sets out that sanction should be granted in principle.

On behalf of the Municipal Corporation an affidavit has been filed by one Suresh G. Tambde. In para 6 it is set out that it was merely a proposal. The proposal has not yet been decided and it was based on the footing that the legal heirs of the Municipal employees who are still occupying the same premises should be given benefit of ownership and for that purpose 1/3rd gratuity of the said employees are kept in abeyance as

security deposit. The proposal is restricted only to the extent of legal heirs of the ex-employees of the Municipal Corporation. The Petitioner is not an ex-employee. In the light of the matter the Petitioner cannot have a grievance. If the Respondents take a decision to give the premises to all occupants then in that event the Respondents will also have to consider the case of the Petitioner. With the above observations the Petition stands disposed of.

(F. I. REBELLO J.)

(ROSHAN DALVI J.)